

**From:** Andy Rosen  
**To:** Microsoft ATR  
**Date:** 1/25/02 12:40pm  
**Subject:** Proposed settlement - unacceptable

To whom it may concern,

I have worked in the computer industry as a software engineer and systems administrator for over 15 years. I am writing to express my concerns about the proposed settlement by the Dept. of Justice and Microsoft.

There are two primary goals in any anti-trust remedy: gains achieved through illegal means should be recovered and competition should be restored to the relevant market.

It is my strong belief that, if approved, the settlement would not penalize Microsoft in any way, nor would it restore competition to the relevant market. In fact, it would further entrench Microsoft's monopoly position and allow them, legally, to extend that position to new markets.

The proposed settlement includes no penalties for Microsoft. They would simply be allowed to keep the countless billions of dollars they have acquired as a result of their illegal practices.

While the relevant market was defined as Personal Computer Operating Systems, the proposed settlement does nothing to restore competition to that market. Instead, it tries to ensure that third parties will have continued access to the information necessary to write application software for future Windows platforms.

It was shown in the trial that there is a significant "applications" barrier to entry. By helping companies write \*more\* applications for Windows we would be helping Microsoft to strengthen their position.

Additionally, there are loopholes that even a casual observer can recognize. For example, Microsoft would be allowed to determine who will have access to new and existing system interfaces. In other words, they would be allowed to pick and choose who their competition will be in any application software market.

Microsoft would also be allowed to block all access to major portions of their interfaces by claiming they are part of system security, or virus protection, or content management, etc. As they have shown in the past, Microsoft is quite capable, and willing, to tie unrelated products together not for technical reasons, but to eliminate competition.

Instead we should be taking steps to bring existing applications to platforms that attempt to compete directly with Windows, such as OS/2, Linux, BeOS, FreeBSD and UnixWare.

Microsoft had their year in court and were found guilty. The trial is over. The appeals process is over. Now is not the time for settlements. Now is not the time for judgment.

Now is the time for remedy.

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Senior Software Architect | is information. Wouldn't you agree?"  
and Systems Administrator | -Gordon Gekko, "Wall Street"  
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